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AMIN. TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			DANIEL JR, WILLIE J	
			ART UNIT	PAPER NUMBER
			2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)
	10/052,030	MARCJAN ET AL.
	Examiner	Art Unit
	Willie J. Daniel, Jr.	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 January 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 and 3-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1 and 3-50 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

1. This action is in response to applicant's amendment filed on 24 January 2007. **Claims 1 and 3-50** are now pending in the present application and **claim 2** is canceled. This office action is made **Final**.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 10-29 and 36-50 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 10-29 and 36-50 are drawn to a "...computer readable medium..." (descriptive material) *per se* and considered non-statutory subject matter.

- a. **Claims 10-16** recites the limitation "...computer readable medium **includes** an active messaging client software..." as in line(s) 2 of the claim 10.
- b. **Claims 17-29** recites the limitation "...computer readable medium **includes** an active messaging script data structure..." as in line(s) 2 of the claim 17.
- c. **Claims 36-50** recites the limitation "...computer readable medium **includes** an active message gateway software..." as in line(s) 2 of the claim 36.

Regarding **claims 10-29 and 36-50**, the claim lacks a proper preamble necessary to establish a statutory computer program claim. For example, the claims failed to claim a computer-readable medium **encoded (or embodied)** with a computer program which defines structural and functional interrelationships between the computer program and the rest (i.e.,

other **elements**) of the computer which permit the computer program's functionality to be **realized**. What is executing, performing, or processing the software and/or script? The Examiner recommends that the applicant clarify the claim language as supported by the specification.

The language of the claim(s) raises a question as to whether the claim is directed merely to an abstract idea that does not result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter.

See MPEP § 2106.IV.B.1(a). [Data structures not claimed as **embodied in computer-readable media** are descriptive material per se and are not statutory because they are **not capable of causing functional change in the computer**. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory). Such claimed data structures **do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention** which permit the data structure's functionality to be realized.]

3. This list of examples is not intended to be exhaustive. The Examiner respectfully requests the applicant to review all claims and clarify the issues as listed above as well as any other issue(s) that are not listed.

Art Unit: 2617

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 10-14, 16-17, 22, 24-26, and 28-29 are rejected under 35 U.S.C. 102(e) as being anticipated by **Alanara et al.** (hereinafter Alanara) (**US 6,292,668 B1**).

Regarding **claim 10**, Alanara discloses a computer readable medium (14) of a digital cellular telephone (1), the computer readable medium includes an active messaging client software for active messages transmitted via a short text messaging service (see col. 21, lines 9-27), comprising:

active messaging loader software that distinguishes and directs short text messages according to whether they include an active message script (see col. 6, lines 29-60; col. 14, lines 13-38), where the active messaging loader would be inherent as evidenced by the fact that one of ordinary skill in the art would clearly recognize; and

script interpreter which reads on the claimed “active message interpreter software” to which the active messaging loader directs short text messages that include an active message script, the active message interpreter providing interpretation and execution of the active message script (see col. 10, line 26 - col. 11, line 12; col. 13, lines 4-9; col. 14, lines 13-25; col. 21, lines 9-27; Figs. 1, 3, 8-11), where the system provides an application for creating

scripts for the menu application in which the scripts are interpreted to execute the command sequences of the script,

the active message script, transmitted from an active message gateway installs applications onto the digital cellular telephone (1) (see col. 10, lines 33-38,601-62), where additional applications and services can be provided over the air.

Regarding **claim 11**, Alanara discloses the medium of claim 10 in which each short text message includes a header and the short text messages that have an active message script include an indication of the active message script in the header (see col. 3, lines 23-26,35-39; col. 6, lines 29-60; col. 19, line 46 - col. 20, line 25; Figs. 4A-5).

Regarding **claim 12**, Alanara discloses the medium of claim 10 further including active message file manager software to which the active messaging loader directs short text messages that include an active message script, the active message file manager providing storage of the active message script in a file system included on the computer readable medium (14) (see col. 3, lines 23-26; col. 6, lines 29-53; col. 7, lines 53-56; col. 10, lines 26-35; col. 11, line 64 - col. 12, line 9; col. 14, lines 13-25; Figs. 3, 8, 9), where the application (17, 18) includes scripts of command sequences according to the menu operation in which the active message file manager would be inherent for storing in the memory (14) as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

Regarding **claim 13**, Alanara discloses the medium of claim 10 in which the digital cellular telephone (1) includes a subscribed identity module (SIM card) with a computer readable medium (14) and in which the active messaging loader software and the active message interpreter software are stored on the computer readable medium of the subscriber

identity module (see col. 6, lines 29-60; col. 14, lines 13-38; col. 21, lines 9-27; Fig. 9), where the active messaging loader would be inherent as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

Regarding **claim 14**, Alanara discloses the medium of claim 10 in which active message interpreter includes a global string buffer (GB) that is used for building character strings and a last result buffer (LRB) that is used for storing a most recent result (see col. 10, lines 1-10,19-25,31-35; col. 11 line 64 - col. 12, line 20; col. 14, lines 13-25,41-55; Figs. 9-11), where the application of the system can create menus for requesting information to be received and/or stored in the memory in which the GB and LRB are inherent as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

Regarding **claim 16**, Alanara discloses the medium of claim 10 in which active message script are a format:

<Instruction><Flags>[<Data>][<Address>] wherein <Instruction> specifies a command to be executed, <Flags> specifies one or more options for the command, <Data> specifies any data associated with the command, and <Address> is a byte-address of an instruction to be executed under predefined conditions related to the command (see col. 6, lines 12-41; col. 9, lines 47-55; col. 12, lines 10-21; col. 13, lines 11-39; Figs. 5, 7, 10-11).

Regarding **claim 17**, Alanara discloses in a computer readable medium (14) of a digital cellular telephone (1), the computer readable medium includes an active message script data structure for active messages transmitted from an active messaging gateway to install applications onto the telephone via a short text messaging service (see col. 10, lines

33-38,601-62; Figs. 1, 7-11), where additional applications and services can be provided over the air, comprising:

<Instruction><Flags>[<Data>][<Address>] wherein <Instruction> field specifies a command to be executed, <Flags> field is one byte in and specifies one or more options for the command, <Data> field is one byte in and specifies any data associated with the command, and <Address> field is two byte in and is a byte-address of an instruction to be executed under predefined conditions related to the command (see col. 6, lines 12-41; col. 9, lines 47-55; col. 12, lines 10-21; col. 13, lines 11-39; Figs. 4b, 5, 7, 10-11), where the system provides the short text messages with scripts that relate to particular applications (e.g., menu application) in which the command sequences are executed. The field size can be up to several bytes in size.

Regarding **claim 22**, Alanara discloses the medium of claim 17 further including a send message instruction associated with the instruction field for transmitting a short text message, destination flags associated with the flag field optionally specifying a destination for the short text message, and a text string associated with the data field and optionally specifying a destination for the short text message (see col. 4, lines 43-52; col. 11, line 64 - col. 12, line 20; col. 12, lines 62-64; col. 16, lines 1-12; Figs. 1, 7, 10-11).

Regarding **claim 24**, Alanara discloses the medium of claim 17 further including a location instruction associated with the instruction field for obtaining location information about a location of the digital cellular telephone (1), and a destination flag associated with the flag field optionally specifying where the location information is to be stored (see col. 9, lines 43-67).

Regarding **claim 25**, Alanara discloses the medium of claim 17 further including an execute instruction associated with the instruction field for initiating execution of an active message file stored on the digital cellular telephone (1), a file identification flag associated with the flag field optionally identifying the active message file to be executed, and a text string associated with the data field and optionally identifying the active message file to be executed (see col. 14, lines 47-65; Figs. 5, 10), where the terminal is able to playback stored files.

Regarding **claim 26**, Alanara discloses the medium of claim 17 further including an execute instruction associated with the instruction field for initiating execution of an active message file stored on the digital cellular telephone (1), a file identification flag associated with the flag field optionally identifying the active message file to be executed (see col. 14, lines 47-65; Figs. 5, 10), where the terminal is able to playback stored files.

Regarding **claim 28**, Alanara discloses the medium of claim 17 further including an addressbook instruction associated with the instruction field for directing retrieval of information from an addressbook stored on the digital cellular telephone, and an addressbook entry flag associated with the flag field for specifying one or more addressbook entries to be retrieved (see col. 7, lines 7-15,34-39; Fig. 6).

Regarding **claim 29**, Alanara discloses the medium of claim 17 further including an application instruction associated with the instruction field for identifying an application to be utilized by another service (see col. 10, line 44 - col. 11, line 12; col. 14, lines 13-38; Figs. 7, 10-11), where the application can create multiple menu application to be used by internally stored information or external servers for providing information. The “Business card”

Art Unit: 2617

application can be used by the “Short dial” application (see col. 7, lines 34-42) and downloaded “Ringing tones” can be played back by an internal playback program which would be inherent as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-9, 30-33, 35-39, 41-46, and 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Alanara et al.** (hereinafter Alanara) (US 6,292,668 B1) in view of **Zhang et al.** (hereinafter Zhang) (US 7,082,312 B2).

Regarding **claim 1**, Alanara discloses an active messaging system in communication with a short text messaging service of a digital mobile communications systems which reads on the claimed “digital cellular telephone system” (see col. 4, lines 26-42; col. 6, lines 29-38; Figs. 1-2, 8), comprising:

an application (17, 18) which reads on the claimed “active messaging client” stored in a memory (14) which reads on the claimed “computer readable medium” of a terminal (1) which reads on the claimed “digital cellular telephone” (see col. 10, lines 26-32; col. 13, lines 4-9; col. 14, lines 13-25; col. 21, lines 9-27; Figs. 1, 3, 8-11), where the system provides an application for creating scripts for the menu application in which the scripts are interpreted to

execute the command sequences of the script,

the active messaging client includes an active messaging loader that distinguishes and directs short text messages according to whether they include an active message script (see col. 6, lines 29-60; col. 14, lines 13-38; Figs. 7, 10-11), where the active messaging loader would be inherent for the system to respond to a message inquiry as evidenced by the fact that one of ordinary skill in the art would clearly recognize,

the active messaging client providing interpretation and execution of an active message script included in a short text message received at the digital cellular telephone (1) by radiant transmission (see col. 10, lines 26-32; col. 13, lines 4-9; col. 14, lines 13-25; col. 21, lines 9-27; Figs. 1, 3, 8-11), where the system provides an application for creating scripts for the menu application in which the scripts are interpreted to execute the command sequences of the script; and

a server gateway (SERV GTW) which reads on the claimed "active message gateway" in communication with the short text messaging service to receive short text messages from the digital cellular telephone (1) (see col. 14, lines 26-38; Figs. 1-3 and 8), where the system can forward messages according to the application for special services,

the active message gateway (SERV GTW) creates active messages containing active message scripts for applications that are transmitted to and installed on the digital cellular telephone (1) (see col. 10, lines 33-38,601-62), where additional applications and services can be provided over the air. As a note, Alanara teaches of selectively forwarding the short text messages according to whether they include an active message script (see col. 14, lines 26-38; Figs. 1-3 and 8), where the system can forward messages according to the application

Art Unit: 2617

for special services. Alanara does not specifically disclose having the feature an active message gateway selectively forwarding the short text messages according to whether they include an active message script. However, the examiner maintains that the feature an active message gateway selectively forwarding the short text messages according to whether they include an active message script, as taught by Zhang.

In the same field of endeavor, Zhang discloses the feature a short message service gateway (120) which reads on the claimed “active message gateway” selectively forwarding the short text messages according to whether they include an active message script (e.g., service code request) (see col. 3, lines 18-41; Fig. 1). As a note, Zhang further discloses the features an active message gateway (120) in communication with the short text messaging service to receive short text messages from the digital cellular telephone (151) (see col. 3, lines 18-41; col. 5, lines 33-44; Figs. 1 and 4 “ref. 405 and 408”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Alanara and Zhang to have the feature an active message gateway selectively forwarding the short text messages according to whether they include an active message script, in order to provide a system and method of providing information service by making use of short messages, as taught by Zhang (see col. 1, lines 51-55).

Regarding **claim 3**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 1), in addition Alanara further discloses the system of claim 1 in which each short text message includes a header and the short text messages that have an active message script include an indication of the active message script in the header

(see col. 3, lines 23-26,35-39; col. 6, lines 29-60; col. 19, line 46 - col. 20, line 25; Figs. 4A-5).

Regarding **claim 4**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 1), in addition Alanara further discloses the system of claim 1 in which the active messaging client includes an active message interpreter to which the active messaging loader directs short text messages that include an active message script, the active message interpreter providing interpretation and execution of the active message script (see col. 10, lines 26-32; col. 13, lines 4-9, col. 14, lines 13-25; Figs. 8-11), where the active messaging loader would be inherent as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

Regarding **claim 5**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 1), in addition Alanara further discloses the system of claim 1 in which the active messaging client includes an active message file manager to which the active messaging loader directs short text messages that include an active message script, the active message file manager providing storage of the active message script in a file system included on the digital cellular telephone (1) (see col. 3, lines 23-26; col. 6, lines 29-53; col. 7, lines 53-56; col. 10, lines 26-35; col. 11, line 64 - col. 12, line 9; col. 14, lines 13-25; Figs. 3, 8, 9), where the application (17, 18) includes scripts of command sequences according to the menu operation in which the active message file manager would be inherent for storing in the memory (14) as evidenced by the fact that one of ordinary skill in the art would clearly recognize. The processor (8) manages the control and files of the terminal.

Regarding **claim 6**, the combination of Alanara and Zhang discloses every limitation

claimed, as applied above, (see claim 1), in addition Alanara further discloses the system of claim 1 in which the active messaging client includes an active message interpreter that receives the active message script and provides interpretation and execution of the active message script (17, 18) (see col. 14, lines 13-25).

Regarding **claim 7**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 1), in addition Alanara further discloses the system of claim 1 in which the active messaging client includes an active message file manager that receives the active message script and provides storage of the active message script in a file system included on the digital cellular telephone (1) (see col. 21, lines 9-27; col. 22, lines col. 3, lines 23-26; col. 6, lines 29-53; col. 7, lines 53-56; col. 10, lines 26-35; col. 11, line 64 - col. 12, line 9; col. 14, lines 13-25; Figs. 3, 8, 9), where the application (17, 18) includes scripts of command sequences according to the menu operation in which the active message file manager would be inherent for storing in the memory (14) as evidenced by the fact that one of ordinary skill in the art would clearly recognize. The processor (8) manages the control and files of the terminal.

Regarding **claim 8**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 1), in addition Alanara further discloses the system of claim 1 further comprising one or more application servers (e.g., Internet, content service providers) in communication with the active message gateway (SERV GTW), each of the one or more application servers providing an active message application or service in response to a request directed from the digital cellular telephone (1) (see col. 14, lines 26-38; Figs. 1-2, 8-11).

Regarding **claim 9**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 1), in addition Alanara further discloses the system of claim 8 in which the active message gateway (SERV GTW) includes an active messaging connector service that provides communication between the short text messaging service and one or more active message service interfaces to the one or more application servers (see col. 5, lines 35-44; col. 10, lines 1-10,19-25; col. 14, lines 26-38; col. 15, lines 1-11; Figs. 2, 8-11), where the terminal is provided the special service information from the specific provider of the services.

Regarding **claim 30**, Alanara discloses in a mobile telephone short text messaging system, an active message gateway method for short text messages that include an active message script (Figs. 1-2, 8, 10-11), comprising:

receiving at an active message gateway short text messages transmitted from a mobile telephone (1) (see col. 5, lines 34-51; Figs. 2, 8);

interpreting the active message script in the short text messages that include it and transmitting any corresponding response (see col. 10, lines 1-10,19-25; col. 14, line 13-38; Figs. 10-11);

transmitting one or more short text messages containing active message scripts to the mobile telephone (1) wherein the active message scripts install applications onto the mobile telephone (1) (see col. 10, lines 33-38,601-62), where additional applications and services can be provided over the air. As a note, Alanara further teaches of the features distinguishing among the short text messages ones that include an active message script from ones that do not include an active message script, the short text messages that do not include an active

message script including destination addresses corresponding to short text messaging destinations (see col. 4, lines 46-52; col. 5, lines 11-21; col. 14, lines 26-38; Figs. 1, 8); forwarding the short text messages that do not include an active message script to the short text messaging destinations corresponding to the destination addresses (see col. 4, lines 46-52; col. 5, lines 11-21; Fig. 1). Alanara does not specifically disclose having the features distinguishing among the short text messages ones that include an active message script from ones that do not include an active message script, the short text messages that do not include an active message script including destination addresses corresponding to short text messaging destinations; forwarding the short text messages that do not include an active message script to the short text messaging destinations corresponding to the destination addresses. However, the examiner maintains that the features distinguishing among the short text messages ones that include an active message script from ones that do not include an active message script, the short text messages that do not include an active message script including destination addresses corresponding to short text messaging destinations; forwarding the short text messages that do not include an active message script to the short text messaging destinations corresponding to the destination addresses was well known in the art, as taught by Zhang.

Zhang further discloses the features distinguishing among the short text messages ones that include an active message script (e.g., service code request) from ones that do not include an active message script (e.g., service code request), the short text messages that do not include an active message script including destination addresses corresponding to short

text messaging destinations (see col. 3, lines 18-41; col. 5, lines 33-44; Figs. 1 and 4 “ref. 405 and 408”);

forwarding the short text messages that do not include an active message script (e.g., service code request) to the short text messaging destinations corresponding to the destination addresses (see col. 3, lines 18-41; col. 5, lines 33-44; Figs. 1 and 4 “ref. 405 and 408”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Alanara and Zhang to have the features distinguishing among the short text messages ones that include an active message script from ones that do not include an active message script, the short text messages that do not include an active message script including destination addresses corresponding to short text messaging destinations; forwarding the short text messages that do not include an active message script to the short text messaging destinations corresponding to the destination addresses, in order to provide a system and method of providing information service by making use of short messages, as taught by Zhang (see col. 1, lines 51-55).

Regarding **claim 31**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 30), in addition Alanara further discloses the method of claim 30 further comprising authenticating that the mobile telephone (1) is associated with the active message gateway prior to interpreting the active message script (see col. 9, lines 1-12; col. 13, line 40 - col. 14, line 26). As a note, Zhang further discloses the limitations of the claim (see Figs. 1-6).

Regarding **claim 32**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 30), in addition Alanara further discloses the method of claim 30 further comprising:

determining whether the active message script is to be executed locally by the active message gateway (SERV GTW) or remotely by an application server (e.g., Internet; content service provider) that is in computer network communication with the active message gateway (SERV GTW) (see col. 14, lines 13-38; Figs. 2, 8, 10-11); and

executing the active message script at the active message gateway (SERV GTW) or the remote application server (e.g., Internet; content service provider) according to the determination (see col. 14, lines 13-38; Figs. 2, 8, 10-11). As a note, Zhang further discloses the limitations of the claim (see Figs. 1-6).

Regarding **claim 33**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 32), in addition Alanara further discloses the method of claim 32 wherein the active message script is executed at the remote application server (e.g., Internet; content service provider), the method further comprising re-formatting the active message script at the active message gateway before transmitting the active message script to the remote application server for execution (see col. 17, lines 7-45,63-67; Fig. 7), where the SMS messages are re-formatted for HTML code communication with an internet server for requesting of information via the mobile terminal. As a note, Zhang further discloses the limitations of the claim (see Figs. 1-6).

Regarding **claim 35**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 30), in addition Alanara further discloses the method of claim 30 further comprising:

determining whether the active message script is to be executed locally by the active message gateway (SERV GTW) or remotely by another mobile telephone (MS2) (see col. 6, lines 29-34; col. 14, lines 13-38; Figs. 1, 8); and

executing the active message script at the active message gateway (SERV) or at the other mobile telephone (MS2) according to the determination (see col. 6, lines 29-34; col. 14, lines 13-38; Figs. 1, 8-11). As a note, Zhang further discloses the limitations of the claim (see Figs. 1-6).

Regarding **claim 36**, Alanara discloses in a computer readable medium of a mobile telephone short text messaging system, the computer readable medium includes an active message gateway software for short text messages that include an active message script (see Figs. 1-2, 8), comprising:

software for receiving at an active message gateway short text messages transmitted from a mobile telephone (1) (see col. 5, lines 34-51; Figs. 2, 8);

software for interpreting the active message script in the short text messages that include it and transmitting any corresponding response (see col. 10, lines 1-10,19-25; col. 14, line 13-38; Figs. 10-11);

software for transmitting at an active message gateway short text messages containing active message scripts to a mobile telephone (1), the active message scripts installs applications on the mobile telephone (1) (see col. 10, lines 33-38,601-62), where additional

Art Unit: 2617

applications and services can be provided over the air. As a note, Alanara further teaches of the features software for distinguishing among the short text messages ones that include an active message script from ones that do not include an active message script, the short text messages that do not include an active message script including destination addresses corresponding to short text messaging destinations (see col. 4, lines 46-52; col. 5, lines 11-21; col. 14, lines 26-38; Figs. 1, 8); software for forwarding the short text messages that do not include an active message script to the short text messaging destinations corresponding to the destination addresses (see col. 4, lines 46-52; col. 5, lines 11-21; Fig. 1). Alanara does not specifically disclose having the features software for distinguishing among the short text messages ones that include an active message script from ones that do not include an active message script, the short text messages that do not include an active message script including destination addresses corresponding to short text messaging destinations; software for forwarding the short text messages that do not include an active message script to the short text messaging destinations corresponding to the destination addresses. However, the examiner maintains that the features software for distinguishing among the short text messages ones that include an active message script from ones that do not include an active message script, the short text messages that do not include an active message script including destination addresses corresponding to short text messaging destinations; software for forwarding the short text messages that do not include an active message script to the short text messaging destinations corresponding to the destination addresses was well known in the art, as taught by Zhang.

Zhang further discloses the features software for distinguishing among the short text messages ones that include an active message script from ones that do not include an active message script, the short text messages that do not include an active message script including destination addresses corresponding to short text messaging destinations (see col. 3, lines 18-41; col. 5, lines 33-44; Figs. 1 and 4 “ref. 405 and 408”);

software for forwarding the short text messages that do not include an active message script to the short text messaging destinations corresponding to the destination addresses (see col. 3, lines 18-41; col. 5, lines 33-44; Figs. 1 and 4 “ref. 405 and 408”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Alanara and Zhang to have the features software for distinguishing among the short text messages ones that include an active message script from ones that do not include an active message script, the short text messages that do not include an active message script including destination addresses corresponding to short text messaging destinations; software for forwarding the short text messages that do not include an active message script to the short text messaging destinations corresponding to the destination addresses, in order to provide a system and method of providing information service by making use of short messages, as taught by Zhang (see col. 1, lines 51-55).

Regarding **claim 37**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 36), in addition Alanara further discloses the medium of claim 36 further comprising software for authenticating that the mobile telephone (1) is associated with the active message gateway (SERV) prior to interpreting the active message

Art Unit: 2617

script (see col. 9, lines 1-12; col. 13, line 40 - col. 14, line 26). As a note, Zhang further discloses the limitations of the claim (see Figs. 1-6).

Regarding **claim 38**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 36), in addition Alanara further discloses the medium of claim 36 further comprising:

software for determining whether the active message script is to be executed locally by the active message gateway (SERV GTW) or remotely by an application server (e.g., Internet; content service provider) that is in computer network communication with the active message gateway (SERV GTW) (see col. 14, lines 13-38; Figs. 2, 8, 10-11); and

software for executing the active message script at the active message gateway or the remote application server (e.g., Internet; content service provider) according to the determination (see col. 14, lines 13-38; Figs. 2, 8, 10-11). As a note, Zhang further discloses the limitations of the claim (see Figs. 1-6).

Regarding **claim 39**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 38), in addition Alanara further discloses the medium of claim 38 wherein the active message script is executed at the remote application server, the method further comprising software for re-formatting the active message script at the active message gateway before transmitting the active message script to the remote application server (e.g., Internet; content service provider) for execution (see col. 17, lines 7-45,63-67; Fig. 7), where the SMS messages are re-formatted for HTML code communication with an internet server for requesting of information via the mobile terminal.

Regarding **claim 41**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 36), in addition Alanara further discloses the medium of claim 36 further comprising:

software for determining whether the active message script is to be executed locally by the active message gateway (SERV) or remotely by another mobile telephone (MS2) (see col. 6, lines 29-34; col. 14, lines 13-38; Figs. 1, 8); and

software for executing the active message script at the active message gateway (SERV) or at the other mobile telephone (MS2) according to the determination (see col. 6, lines 29-34; col. 14, lines 13-38; Figs. 1, 8-11).

Regarding **claim 42**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 36), in addition Alanara further discloses the medium of claim 36 further comprising a GetServiceList active message command data structure that returns to the mobile telephone (1) a list of services available through the active message gateway (SERV) (see col. 10, lines 31-38; col. 10, line 48 - col. 11, line 12; col. 11, lines 38-42).

Regarding **claim 43**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 36), in addition Alanara further discloses the medium of claim 36 further comprising a GetService active message command data structure that provides a request for a particular service via the active message gateway (SERV) (see col. 10, lines 1-10; Figs. 8, 10-11).

Regarding **claim 44**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 36), in addition Alanara further discloses the medium

of claim 36 further comprising an InstallService active message command data structure that functions to obtain active message script for a service and install the active message script on the mobile telephone (1) (see col. 10, lines 31-38; col. 10, line 48 - col. 11, line 12).

Regarding **claim 45**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 36), in addition Alanara further discloses the medium of claim 36 further comprising a GetUserList active message command data structure that returns a list of users available through the active message gateway (see col. 7, lines 7-52; Fig. 6).

Regarding **claim 46**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 36), in addition Alanara further discloses the medium of claim 36 further comprising a GetUser active message command data structure that returns information about or establishes a connection with a user available through the active message gateway (SERV) (see col. 10, lines 19-25).

Regarding **claim 49**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 36), in addition Alanara further discloses the medium of claim 36 further comprising a SendActiveMessage active message command data structure that sends a short text message that includes active message script (see col. 6, lines 29-45), where the user of the terminal is able to send and receive messages.

Regarding **claim 50**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 36), in addition Alanara further discloses the medium of claim 36 further comprising a SendMessage active message command data structure that sends a short text message that does not include active message script (see col. 5, lines 10-16;

Fig. 1), where the user of the terminal is able to send and receive messages.

Claims 15 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Alanara et al.** (hereinafter Alanara) (**US 6,292,668 B1**) in view of **Comer** (**US 5,610,973**).

Regarding **claim 15**, Alanara discloses the medium of claim 10 in which the active message script includes text strings, wherein all text strings are prefixed with their byte-size (see col. 12, lines 62-64; col. 13, line 9; col. 14, line 13-25; col. 6, lines 12-41; Figs. 4A-5), where the scripts are text strings of command sequences in which the fields of the frames have particular bit/byte size. Alanara fails to disclose having the features of the script including jumps; all jumps are made to specific byte locations within the script. However, the examiner maintains that the features of the script including jumps; all jumps are made to specific byte locations within the script was well known in the art, as taught by Comer.

In the same field of endeavor, Comer discloses the features of the script including jumps; all jumps are made to specific byte locations within the script (see col. 22, lines 42-47; col. 24, lines 57-60; col. 24, line 24 - col. 25, line 2; Fig. 7 “200”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Alanara and Comer to have the features of the script including jumps; all jumps are made to specific byte locations within the script, in order to provide scripts with jump commands to labels, as taught by Comer.

Regarding **claim 27**, Alanara discloses every limitation claimed as applied above in claim 17. Alanara discloses does not specifically disclose having the feature further including a goto instruction associated with the instruction field for directing execution of the

active message script to jump to a specified byte location in the script, and a byte address flag associated with the address field for identifying the byte location for the script to jump to. However, the examiner maintains that the feature further including a goto instruction associated with the instruction field for directing execution of the active message script to jump to a specified byte location in the script, and a byte address flag associated with the address field for identifying the byte location for the script to jump to was well known in the art, as taught by Comer.

Comer further discloses the feature further including a goto instruction associated with the instruction field for directing execution of the active message script to jump to a specified byte location in the script, and a byte address flag associated with the address field for identifying the byte location for the script to jump to (see col. 22, lines 42-47; col. 24, lines 57-60; col. 24, line 24 - col. 25, line 2; Fig. 7 "200").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Alanara and Comer to have the feature further including a goto instruction associated with the instruction field for directing execution of the active message script to jump to a specified byte location in the script, and a byte address flag associated with the address field for identifying the byte location for the script to jump to, in order to provide scripts with jump commands to labels, as taught by Comer.

Claims 18-21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Alanara et al.** (hereinafter Alanara) (US 6,292,668 B1) in view of **Chen et al.** (hereinafter Chen) (US 2003/0054810 A1).

Regarding **claim 18**, Alanara as applied to claim 17 discloses a including a print instruction associated with the instruction field for printing a text string (command sequence), destination flags associated with the flag field specifying whether the text string is to be printed to from a memory buffer (14) (see col. 11, line 64 - col. 12, line 20; col. 12, lines 62-64; col. 16, lines 1-12; Figs. 7, 10-11). Alanara fails to disclose having the feature a text string associated with the data field and representing the text string to be printed.

However, the examiner maintains that the feature a text string associated with the data field and representing the text string to be printed was well known in the art, as taught by Chen.

In the same field of endeavor, Chen discloses the feature a text string associated with the data field and representing the text string to be printed (see Figs. 12, 15), where a text string is displayed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Alanara and Chen to have the feature a text string associated with the data field and representing the text string to be printed, in order to display a text string, as taught by Chen.

Regarding **claim 19**, Alanara as applied to claim 17 discloses an input instruction associated with the instruction field for printing a text string and requesting input from a user, content identification flags associated with the flag field optionally specifying the text string is to be printed (see col. 2, lines 65-67; col. 11, line 64 - col. 12, line 20; col. 12, lines 62-64;

Figs. 7, 10-11). Alanara does not specifically disclose having the feature a text string associated with the data field and optionally representing the text string to be printed. However, the examiner maintains that the feature a text string associated with the data field and optionally representing the text string to be printed was well known in the art, as taught by Chen.

Chen further discloses the feature a text string associated with the data field and optionally representing the text string to be printed (see Figs. 12, 15), where a text string is displayed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Alanara and Chen to have the feature a text string associated with the data field and optionally representing the text string to be printed, in order to display a text string, as taught by Chen.

Regarding **claim 20**, Alanara as applied to claim 17 discloses further including a select instruction associated with the instruction field for printing a plurality of text strings, destination flags associated with the flag field specifying a location to which a user selection is to be returned (see col. 11, line 64 - col. 12, line 20; col. 12, lines 62-64; col. 16, lines 1-12; Figs. 7, 10-11). Alanara does not specifically disclose having the feature of plural text strings associated with the data field and representing the plural text string to be printed. However, the examiner maintains that the feature of plural text strings associated with the data field and representing the plural text string to be printed was well known in the art, as taught by Chen.

Chen further discloses the feature of plural text strings associated with the data field and representing the plural text string to be printed (see Figs. 12, 15), where a text string is displayed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Alanara and Chen to have the feature plural text strings associated with the data field and representing the plural text string to be printed, in order to display a text string, as taught by Chen.

Regarding **claim 21**, Alanara as applied to claim 17 discloses further including a condition instruction associated with the instruction field for comparing a pair of condition strings and jumping to a specified address when the pair of condition strings satisfies a predefined condition, flags associated with the flag field optionally specifying one of the condition strings and optionally specifying the predefined condition (see col. 2, lines 65-67; col. 11, line 64 - col. 12, line 20; col. 12, lines 62-64; Figs. 7, 10-11), where the user is able to select between time comparisons conditions in which the jumping to the returned information slot would be obvious. Alanara does not specifically disclose having the feature a text string associated with the data field and optionally representing one of the condition strings. However, the examiner maintains that the feature a text string associated with the data field and optionally representing one of the condition strings was well known in the art, as taught by Chen.

Chen further discloses the feature a text string associated with the data field and optionally representing one of the condition strings (see Figs. 12, 15), where a text string is displayed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Alanara and Chen to have the feature a text string associated with the data field and optionally representing one of the condition strings, in order to display a text string, as taught by Chen.

Regarding **claim 23**, Alanara as applied to claim 17 discloses further including a call instruction associated with the instruction field for initiating a telephone call, destination flags associated with the flag field optionally specifying a telephone number for the telephone call (see col. 11, lines 36-38,58-61; col. 7, lines 34-41; col. 7, line 57 - col. 8, line 14). Alanara does not specifically disclose having the feature a text string associated with the data field and optionally specifying a telephone number for the telephone call. However, the examiner maintains that the feature a text string associated with the data field and optionally specifying a telephone number for the telephone call was well known in the art, as taught by Chen.

Chen further discloses the feature a text string associated with the data field and optionally specifying a telephone number for the telephone call (see Figs. 12, 15), where a text string is displayed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Alanara and Chen to have the feature a text string associated with the data field and optionally specifying a telephone number for the telephone call, in order to display a text string, as taught by Chen.

Claims 34, 40, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Alanara et al.** (hereinafter Alanara) (**US 6,292,668 B1**) in view of **Zhang et al.** (hereinafter Zhang) (**US 7,082,312 B2**) as applied to claims 30 and 36 above, and further in view of **Chen et al.** (hereinafter Chen) (**US 2003/0054810 A1**).

Regarding **claim 34**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 30), in addition Alanara further discloses the active message script is re-formatted (see col. 19, lines 24-31), where the formatting of SMS to a markup language such as HTML is done when communicating with the internet. Alanara does not specifically disclose having the feature of re-formatted into an XML file format. However, the examiner maintains that the feature of re-formatted into an XML file format was well known in the art, as taught by Chen.

Chen further discloses the feature of re-formatted into an XML file format (see pg. 3, [0045]; pg. 4, [0062]; pg. 10, [0136]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Alanara, Zhang, and Chen to have the feature of re-formatted into an XML file format, in order to allow communications with various protocols and to retrieve information from XML files or databases, as taught by Chen.

Regarding **claim 40**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 36), in addition Alanara further discloses the active message script is re-formatted (see col. 19, lines 24-31), where the formatting of SMS to a markup language such as HTML is done when communicating with the internet. Alanara

Art Unit: 2617

does not specifically disclose having the feature of re-formatted into an XML file format.

However, the examiner maintains that the feature of re-formatted into an XML file format was well known in the art, as taught by Chen.

Chen further discloses the feature of re-formatted into an XML file format (see pg. 3, [0045]; pg. 4, [0062]; pg. 10, [0136]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Alanara, Zhang, and Chen to have the feature of re-formatted into an XML file format, in order to allow communications with various protocols and to retrieve information from XML files or databases, as taught by Chen.

Regarding **claim 47**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 36), in addition Alanara further discloses the feature a designated user to a list of selected users maintained in association with the mobile telephone (1) (see col. 7, lines 7-52; Figs. 3, 6). Chen does not specifically disclose having the feature an AddUser active message command data structure that adds. However, the examiner maintains that the feature an AddUser active message command data structure that adds was well known in the art, as taught by Chen.

Chen further discloses the feature an AddUser active message command data structure that adds (see Fig. 10A), where the figure displays “Add Buddy”.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Alanara, Zhang, and Chen to have the

feature an AddUser active message command data structure that adds, in order add a buddy, as taught by Chen.

Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Alanara et al.** (hereinafter Alanara) (**US 6,292,668 B1**) in view of **Zhang et al.** (hereinafter Zhang) (**US 7,082,312 B2**) as applied to claims 36 above, and further in view of well known prior art (MPEP 2144.03).

Regarding **claim 48**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 36), in addition Alanara further discloses the feature of a user from a list of selected users maintained in association with the mobile telephone (1) (see col. 7, lines 7-52; Figs. 3, 6). The combination of Alanara and Zhang does not specifically disclose the feature of a DeleteUser active message command data structure that deletes a user. However, the examiner takes official notice of the fact that it was well known in the art to have the feature of a DeleteUser active message command data structure that deletes a user.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Alanara and Zhang by specifically providing the feature of a DeleteUser active message command data structure that deletes a user, for the purpose of deleting a user from a list.

Response to Arguments

6. Applicant's arguments with respect to claims 1 and 3-50 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amended language and new limitations.

In response to applicant's arguments, the Examiner respectfully disagrees as the applied reference(s) provide more than adequate support and to further clarify (see the above claims for relevant citations and comments in this section).

7. Regarding claim 48, the applicant did not traverse the Examiner's assertion of official notice stated in the action mailed 01 November 2006. As a result, the Examiner's statement is hereby taken to be well-known admitted prior art or common knowledge because the applicant failed to traverse the Examiner's assertion of official notice. Therefore, the applicant must agree with the Examiner's assertion of official notice.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to

37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie J. Daniel, Jr. whose telephone number is (571) 272-7907. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WJD,JR/

WJD,JR
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CHARLES N. APPIAH
SUPERVISORY PATENT EXAMINER